

REMARKS

Applicants have canceled claims 1-37 and have added new claims 38-52 to better capture the envisioned commercial embodiments. Support for the new claims can be found throughout the specification and originally filed claims. Accordingly, the new claims do not introduce new matter into the application.

I. The Specification Complies with the Written Description Requirement

The Office Action of 23 October 2007 rejected the previous claims because the specification allegedly did not comply with the written description requirement. Applicants have canceled claims 1-37 and have introduced new claims 38-52 and assert that the specification fully describes the new claims. Namely, support for the new claims can be found throughout the specification. For example, one embodiment of the presently claimed invention can be found in paragraphs 0065-0067 of the published application (US Pregrant Publication 20040209319). Accordingly, the specification fully describes the presently claimed invention. Applicants respectfully request reconsideration and withdrawal of the claimed invention.

II. The New Claims are not Obvious


The Office Action of 23 October 2007 rejected the previous claims because the claims were allegedly obvious over Hoch and Dasgupta. Applicants have added new claims to better capture the envisioned commercial embodiments and assert that the addition of the new claims render moot the obviousness rejections. Specifically, the claims now specify that the two component system that is to be utilized in the present screening method must be hypoxia-responsive. The use of a hypoxia-responsive system to screen candidate compounds was clearly not known prior to the filing of the present application, thus the cited art does not teach each and every element of the claimed invention. In addition, the claims specify that the methods are for screening candidate compounds useful for inhibiting dormancy in *M. tuberculosis*. None of the cited art teaches this combination of elements. Desgupta speculates on neither the role of DevS/DevR in responding to hypoxia nor that using any type of hypoxia-responsive element would lead to screening for effective anti-tubercular therapy. Accordingly, Applicants assert that the cited references do not render obvious the new claims. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection.

CONCLUSION

Applicants have canceled all previously pending claims and introduced new claims 38-52 to better capture the envisioned commercial embodiments. Applicants assert that the specification fully supports the new claims and that the new claims are not obvious in view of the cited art. Applicants respectfully request reconsideration and withdrawal of all outstanding rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,


Todd B. Buck
Registration No. 48,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: 25 February 2008